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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 MAXINE R. RIVENES,

9 Plaintiff,

10 v.

11 MICHAEL ASTRUE, Commissioner of  
12 Social Security Administration,

13 Defendant.

CASE NO. C08-5208FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION

14 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J.  
15 Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, if any,  
16 and the remaining record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;  
18 (2) the ALJ erred in his decision as described in the report;  
19 (3) the matter is REVERSED and REMANDED to the administration for an award of  
20 appropriate benefits; and  
21 (4) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel  
22 and Magistrate Judge J. Kelley Arnold.

23 DATED this 26<sup>th</sup> day of January 2009.

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26 FRANKLIN D. BURGESS  
27 UNITED STATES DISTRICT JUDGE  
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